

Preliminary Amendment**OFFICIAL FAX RECEIVED**

**TOWNSEND and TOWNSEND and CREW LLP**  
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Attorney Docket No. 0287S-004820US

JUL 15 1999

Group 2700

In re application of: **PHILIP S. GREEN**Date: JULY 14, 1999

Application No.: 08/709,930

I hereby certify that this is being transmitted via facsimile to  
Examiner RICHARD LEE @ 703/308-5359, addressed to:

Filed: September 9, 1996

Assistant Commissioner for Patents  
Washington, D.C. 20231

Group Art Unit: 1941

For: **SURGICAL SYSTEM**

**THE ASSISTANT COMMISSIONER FOR PATENTS**  
 Washington, D.C. 20231

Signed: Karen A. Hallock

Karen A. Hallock

Sir:

Transmitted herewith is a **Third Supplementary and Preliminary Amendment and Request for Interference with U.S. Patent No. 5,815,640 Under 37 CFR §1.607** in the above-identified application.

If any extension of time is needed, then this response should be considered a petition therefor.  
 The filing fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA
TOTAL	* 38	MINUS	** 32	=	6
INDEP.	* 10	MINUS	*** 08	=	2
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDIT. FEE		RATE	ADDIT. FEE
x \$9.00 =			x \$18.00 =	\$108.00
x \$39.00 =			x \$78.00 =	\$156.00
+ \$130.00 =			+ \$260.00 =	
TOTAL ADDIT. FEE		OR	TOTAL	\$264.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, then write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

[ ] No fee is due.

Please charge Deposit Account No. 20-1430 as follows:

[ X ] Claims fee \$ \$264.00  
 [ X ] Any additional fees associated with this paper or during the pendency of this application.

2 copies of this sheet are enclosed.

TOWNSEND and TOWNSEND and CREW LLP

Mark D. Barrish  
 Mark D. Barrish, Reg. No. 36,443  
 Attorneys for Applicant

**OFFICIAL PATENT**

Attorney Docket No. 0287S-004820

I hereby certify that this correspondence is being sent by facsimile transmission to Examiner Richard Lee @ 703/308-5359:

On JULY 14, 1999

TOWNSEND and TOWNSEND and CREW LLP

By: Karen A. Hallock  
Karen A. Hallock**FAX RECEIVED**

JUL 15 1999

Group 2700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

PHILIP S. GREEN

Application No.: 08/709,930

Filing Date: September 9, 1996

For: SURGICAL SYSTEM

Examiner: LEE, RICHARD

Art Unit: 1941

**THIRD SUPPLEMENTARY  
PRELIMINARY AMENDMENT AND  
REQUEST FOR INTERFERENCE  
WITH U.S. PATENT NO. 5,815,640  
UNDER 37 C.F.R. §1.607**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination of the above-referenced Continuation Prosecution Application under 37 C.F.R. §1.53(d) (transmittal filed on May 28, 1999) please enter the following amendments and remarks.

Applicant notes that a Preliminary Amendment and Request for Interference with Patent No. 5,762,458, and a Supplementary Preliminary Amendment and Request for Interference with Patent No. 5,878,193 were filed with the CPA transmittal on May 28, 1999 for the above-referenced application. A Second Supplementary Preliminary Amendment and Request for Interference with Patent No. 5,855,583 was also filed on June 3, 1999 for the above-referenced application. A Fourth Supplementary Preliminary Amendment And Request for Interference with Patent No. 5,907,664 is filed concurrently herewith.

Applicant further notes that related documents have been filed in separate applications. U.S. Patent Application Serial No. 09/312,806 was filed on May 17, 1999 with claims corresponding to claims of U.S. Patent No 5,754,741. The '806 application was filed

06/04/1999 LJOHNSON Without payment of the Application Fee to preserve applicant's rights to provoke an

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02 FC:102

interference with the '741 patent. A patent application entitled "System and Method for

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G  
BH  
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this needs  
to be  
entered  
Garlin